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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/653,425	05/24/1996	DAVID D. MURESAN		6148

7590 10/27/2003
DAVID MURESAN
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EXAMINER

LIANG, REGINA

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 10/27/2003

33

Please find below and/or attached an Office communication concerning this application or proceeding.



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Technology Center 2100

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 33

Application Number: 08/653,425
Filing Date: May 24, 1996
Appellant(s): MURESAN ET AL.

David Darian Muresan
For Appellant

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EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/12/03.

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(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claim stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

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(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claim 1 is rejected under 35 U.S.C. 102(e). This rejection is set forth in prior Office Action, Paper No. 30.

‘Solhjell discloses a computer moue having a magnetic care ball (64 in Fig. 11). A third contact (the free rolling 18 as shown in Fig. 5) is replaced with a magnet (66 in fig. 11), therefore, there is no third contact between the ball and another wheel as claimed.’

(11) *Response to Argument*

Appellants’ argument regarding Solhjell on page 3 are not persuasive. Solhjell discloses a conventional computer mouse with a third contact (free rolling as shown in Fig. 5) have a drawback in that the force needed to move the ball is not optimized and can cause operator fatigue and decrease the operator’s efficiency, for example see Solhjell col. 1 line 59 to col. 2 line 68. All of the embodiments as shown in Solhjell’s Figs. 6-11 are directed to modifications to the free rolling contact of the computer mouse. Although the x and y rollers of the computer mouse are not shown in Figs. 6-11, however such is inherent in Figs. 6-11 since Solhjell clearly teaches modifying the free roller of the conventional computer mouse as shown in Fig. 5. Furthermore, Solhjell on col. 3 lines 55-58 clearly stated “...in addition to those two which are used for x- and y-measurements”, which clearly teaches that there are x and y rollers of the computer mouse but not shown to simplify the drawings. Fig. 11 is one embodiment showing a modification to the free roller using a magnetic pad instead of the conventional contact free roller to adjust the force applied to the ball. The claim only requires the mouse using a magnet to pull the magnetic core ball against the X and Y shafts, and there is no third contact between the ball

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and any other part of the mouse, which clearly reads on Fig. 11 of Solhjell. The location of the magnet, e.g. "diagonally across from the would be location of the free wheel" is not required by the claim, appellants are reading limitation into the claim.

As clearly discussed above, Solhjell teaches modifying the free roller to adjust the force applied to the ball (see col. 4, lines 4-5 of Solhjell), thus by this modification Solhjell clearly teaches replacement or substitution of the third wheel which is the free roller with anyone of the embodiments shown in Figs. 6-11 to one of ordinary skill in the art at the time the invention was made.

Contrary to appellants' erroneous remarks as set forth pages 4-5, as clearly shown and disclosed by Solhjell, the free roller is modified to comprise a friction pad (e.g. Fig. 6; col. 4 lines 4-5), magnetic pad (Fig. 11), etc. all of which clearly show that the third wheel normally associated with a free roller is replaced! Solhjell also teaches that the ball is made of iron or similar magnetic sensitive material when a magnetic pad is used such that the ball is held by the x- and y- wheels (i.e. two wheels) and the use of magnetic force in a manner similar to appellants, hence if this is not possible in Solhjell than the same impossibility also applies to appellants' disclosure. Therefore, contrary to appellants' remarks, it is possible to use only two wheels (e.g. x- and y- wheels) and magnetic force to provide an operational mouse as taught by Solhjell.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,



Regina Liang

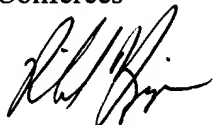
Primary Examiner

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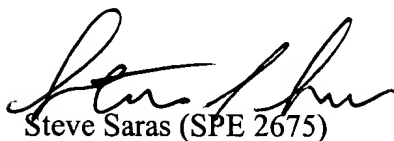
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October 20, 2003

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